

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal No. 1999-25
)	
v.)	
)	
IAN E. WILLIAMS, JR.,)	
)	
Defendant.)	
)	

APPEARANCES :

Curtis Gomez, Assistant U.S. Attorney
St. Thomas, VI
For the plaintiff,

Claudette Ferron, Esq.
St. Thomas, VI
For the defendant.

COURT'S SENTENCING MEMORANDUM

Moore, J.

I. INTRODUCTION

Mr. Ian Ellis Williams, Jr. ["Williams" or "defendant"], appears before me for sentencing today upon his plea of guilty to the Virgin Islands territorial crime of tampering with a witness. Williams pled guilty to threatening and intimidating Ms. Brendaly Nazario ["Nazario"] because she had provided information to the Virgin Islands Police Department ["VIPD"] that he had committed a felony by assaulting her with a handgun on December 2, 1998. While not labeled a domestic violence offense, it is a

matter arising out of domestic violence that escalated beyond the scope of the domestic violence laws of the Territory.

Sadly, this case presents a case study of how, unless it is stopped, domestic violence is a cycle that continues from one generation to the next. Equally as disturbing, this case presents a textbook example of what psychologists call the battered woman syndrome. I have the difficult task of formulating a sentence that will punish Mr. Williams and somehow achieve what the defendant, his family, his employer, Ms. Nazario, her family, family advocate organizations, and others have failed to do. This is to break the cycle of domestic violence so that the defendant and Ms. Nazario can live free of violence in their relationship, and, most importantly, so that their children do not grow up to imitate their parents by becoming abusers or victims of abuse themselves.

This case has aroused intense emotions and involved several groups of the Virgin Islands community, including the Victim Advocate Program, the Family Resource Center, Kidscope, and the Police Benevolent Association. There seems to be a good deal of confusion and misinformation circulating in the community about this case, from what has been published in the media in articles, editorials, and letters to the editor. For this reason, and because of the gravity of the crime to which Mr. Williams, a

police officer with the VIPD sworn to uphold the laws of this Territory, has pled guilty, I have not only reviewed the file as I do for each sentencing,¹ but I also have written this Sentencing Memorandum in an attempt to set the record straight for any and all who want to take the time to find out what this case is about. My intent is to make clear once and for all why this case is properly before this Court and to explain my reasoning for imposing what I believe is the appropriate sentence considering all the circumstances of the case.

II. FACTUAL HISTORY

A. History of Domestic Violence Before December 1998

As noted earlier, this case arises from a long history of domestic problems between Mr. Williams and Ms. Nazario. By all

¹ See, e.g., Affidavit of FBI Special Agent Robert C. Geeslin in support of arrest and search warrants, sworn before magistrate judge on Feb. 3, 1999 ["FBI Aff."] (Docket No. 1); Returns of search warrants executed Feb. 5, 1999 (Docket Nos. 8, 9, 12); Transcripts of detention hearings held on Feb. 9 & 26, 1999, with exhibits ["Detention Hr'g Tr."] (Docket Nos. 86, 87); Order setting conditions of release (Barnard, J.) (Apr. 27, 1999; Docket No. 32); Order affirming release on conditions (Moore, J.) (June 2, 1999; Docket No. 39); Affidavit of Brendaly Nazario in support of motion to dismiss (July 21, 1999; Docket No. 49); Order denying motion to dismiss (Moore, J.) (Aug. 12, 1999; Docket No. 56); Motion to admit tapes, with transcripts (Sept. 16, 1999; Docket No. 67); Transcript of suppression hearing held on Sept. 14, 1999, with exhibits ["Suppression Tr."] (Docket No. 70); Notices of expert witness on battered women syndrome and filing of expert report (filed Sept. 13 & 16, 1999; Docket Nos. 63, 71); Defendant's Notice of Opp'n to Gov't's Notice of Intent to Rely on Prior Statements of Brendaly Nazario ["Def.'s Notice of Opp'n"], with exhibits (Sept. 17, 1999; Docket 73); Order ruling on limine motions (Moore, J.) (Sept. 20, 1999; Docket No. 85); Defendant's sentencing memorandum ["Def.'s Sent. Mem."], with exhibits (December. 1, 1999; Docket No. 93).

accounts, the two began dating in high school in the mid- to late-1980s and have been together off and on ever since. Their relationship has produced five children. The two have never married, although each refers to the other as "common law" spouse. The known allegations of abuse started as early as 1992 when, according to Ms. Nazario's statement to the Federal Bureau of Investigation ["FBI"], Williams stabbed her hand during a domestic argument. Mr. Williams says it was an accident. Ms. Nazario did not report the incident even though the wound required medical treatment. Williams' physical abuse caused Ms. Nazario some months later to move out of the residence she shared with Williams, taking the children with her. In early 1994, Ms. Nazario sought and obtained a restraining order from the Territorial Court against Mr. Williams. On February 23, 1994, Williams was arrested and charged with contempt of court for violating the restraining order by making threatening phone calls and confronting Ms. Nazario at a local store. Ms. Nazario dropped the charges against Williams, apparently at his urging, and the two reconciled and resumed living together. That same year, 1994, the VIPD hired Williams as an officer, despite

serious health problems² and his demonstrated inability to comply with a court order.

Williams did not stop his physical and emotional abuse once he became a police officer. According to what Ms. Nazario told the FBI in January of 1999, Williams escalated the degree of violence using the tools of his trade and the authority of his position as a police officer to terrorize Ms. Nazario. On one occasion Mr. Williams chased Ms. Nazario with his expandable baton and swung it in her direction without hitting her. Another time he put the baton under her chin and choked her. Ms. Nazario reported that Williams had chased her around the house with his police-issue pepper spray canister, although he did not spray her with it. She reported that on occasion during their arguments he would put his gun in his waist band and sometimes display it and tell her that she would soon find out "what is was all about." When she would threaten to call the police, Williams would tell her to go ahead, that nothing would come of it because he was one of "them," and that reports have a way of disappearing. Ms. Nazario said she did not report these incidents, which took place at Mr. Williams' residence at 41 Agnes Fancy, for fear it would result in retaliation. Much of this is corroborated by Ms.

² Mr. Williams had applied to become a police officer immediately after completing high school, but the VIPD rejected him because of his youth and his serious heart condition, namely, cardiac arrhythmia and mitro valve prolapse.

Nazario's statements at a hearing on her renewed petition for a restraining order against this defendant at the Territorial Court on December 18, 1998. (*See Nazario v. Williams*, DV 423/1998, (Terr. Ct.).)

B. History of Domestic Violence Underlying This Case

In the Fall of 1998, Williams' behavior toward Ms. Nazario began the events which eventually brought him before this Court on federal charges. Ms. Nazario reported that her domestic situation was aggravated by her use of Williams' credit card to buy some clothing from a catalogue. She claimed he gave her permission; he accused her of using his card without permission and of fraudulently using his last name on the order. In November of 1998, Williams went so far as to file a complaint with the Virgin Islands Attorney General's Office alleging that Ms. Nazario had purchased things on his credit card without his permission. He suspected Ms. Nazario was letting another man use his card and wanted to confirm his name. Much of this is corroborated by Williams' statements at a hearing before the Territorial Court on December 18, 1998. It appears that the case was closed after the investigator and the Assistant Attorney General became convinced that Williams was using the investigation as a bargaining chip in the on-going domestic dispute. According to a memorandum to the Attorney General

written by the Assistant Attorney General assigned to the case, Williams again resorted to attempting to use his job as a police officer to influence another, telling the Assistant Attorney General that the investigation should be continued as a favor to Williams because he was a police officer.

The dispute over the credit card still did not end. Ms. Nazario told the FBI that in very early December 1998, Williams called her at work and accused her of misplacing his beeper and of fraudulently using his credit card. He became very angry and told her that "I will take care of you when I get home." Ms. Nazario became fearful and reported this incident and others to a representative of the Victim Advocate Program. Despite being advised by the representative not to return to the home, Ms. Nazario nevertheless went home where she was confronted by the defendant. According to the FBI agent's affidavit and testimony at the first detention hearing, Williams took one of his two Glock semi-automatic weapons out of the closet in his bedroom, put it to Ms. Nazario's head, and said, "I'm going to blow your brains out." She said he then pulled the gun from her head and laughed, saying, "I'm going to show you what it's all about . . .

you're dead." (See FBI Aff. at 4-5; Detention Hr'g Tr. of Feb. 9, 1999, at 7.)³

Ms. Nazario fled Mr. Williams' house, leaving the children behind. After spending that night in the car, she contacted the Victim Advocate representative and filed a domestic violence complaint in the Territorial Court for a permanent restraining order. (See Def.'s Sent. Mem. Ex. 11.) She remained at a safehouse from December 3 until December 18, 1998, when she moved in with her parents. On December 8th, the defendant filed his own domestic violence complaint against Ms. Nazario, accusing her of credit card fraud, and of verbally and physically assaulting him in front of their children, in response to which he "continued to use total restraint by walking away and leaving our household to avoid any type of confrontation." Mr. Williams also accused her of taking out her frustrations on him and the children because of "an outside relationship," and of abandoning

³ Defendant's counsel and Ms. Nazario have challenged this claim that Mr. Williams put the gun to Ms. Nazario's head, relying in part on Ms. Nazario's statement to the Territorial Court that he raised his hand to her head, and not a gun. The full quote from her statement from the Territorial Court transcript of December 18, 1998, follows:

I know Mr. Williams have pulled a gun on me before, Sir, and I was very frightened and I was fearing for my life. I went home and when I went home, he was very angry, he took his hand and he put it towards my head and he said, you see this, I going to kill you. I became very afraid for my life. I took up my bag and my keys and I left.

(*Nazario v. Williams*, DV 423/1998, Hr'g Tr. Dec. 18, 1998, at 7 (Terr. Ct.).)

their four minor children. He too sought a restraining order.
(See Def.'s Sent. Mem. Ex. 13.)

At the conclusion of the hearing on these reciprocal domestic violence complaints on December 18, 1998, the Territorial Court found that each had subjected the other to "acts of domestic violence" and that they would both be "restrained from abusing each other verbally or physically," and that Williams would have to turn in his personal weapon to the Commissioner of Public Safety, though he could keep the VIPD-issued weapon. (See Def.'s Sent. Mem. Ex. 14.) In the written Permanent Restraining Order issued on January 15, 1999, however, the court permanently enjoined, restrained and prohibited only Ian E. Williams, Jr., from "harassing, molesting, verbally or physically abusing, assaulting, or intimidating [Brendaly Nazario] or subjecting her to any form of domestic violence." The order provided to me by the defense does not contain a reciprocal order restraining Ms. Nazario. (See *id.* Ex. 18.)

Although defense counsel claims that her client immediately surrendered his personal weapon to the VIPD on December 18th, (see *id.* at 9), the evidence supporting that conclusion is far from clear. The document offered by defense counsel to support Williams' claim only shows that Police Chief Jose Garcia surrendered Williams' weapon, on Williams' behalf, on February 5,

1999, the date Williams was arrested, (see *id.* Ex. 16), almost two months after the Territorial Court's order. The testimony of Officer Elroy Raymo at the first detention hearing held on February 9th, in response to previous defense counsel's questions that the defendant did not have any police-issue firearms does support Williams' contention:

Q. Do you know whether Officer Williams still has his police-issued firearms?

A. No, he doesn't have it.

Q. When were they taken from him or how did they end up? Where are they?

A. One was turned in to the training academy, to the Chief's Office, when the first restraining order was, ah, when they went to court. And the other one was turned in to the captain of the Zone A Command, by me.

Q. So he has no firearms?

A. No, sir.

(Detention Hr'g Tr. of Feb. 9, 1999, at 28-29.) But again, Officer Raymo's testimony does not resolve the confusion because FBI agents found two 9mm Glocks at Williams' home on February 5th while executing a search warrant. (See Return of Warrant (Docket No. 9).)

While Williams' compliance with the Territorial Court's order directing him to surrender his firearms is in doubt, Williams' clearly violated the court's order by making harassing telephone calls to the residence of Ms. Nazario. During those calls, Mr. Williams told Ms. Nazario to drop the restraining order and he would not file charges against her for credit card

fraud. He told her that he had the right connections to insure that she would be charged with fraud, once again using his position as a police officer to intimidate Ms. Nazario. From January 14 to January 16, 1999, Ms. Nazario tape recorded numerous threatening phone calls made to her by Williams.⁴ (See FBI Aff. at 6-7.) To make these recordings, Ms. Nazario held a micro cassette recorder up to the phone, according to the testimony of her mother at the suppression hearing. (See Suppression Tr. at 31.)

At some point in January, 1999, Ms. Nazario hired Stephen Bruschi to represent her. On January 28 or 29, 1999, Attorney Bruschi assisted Nazario in filing a written report and complaint against Williams with Internal Affairs, the VIPD unit which investigates complaints against police officers. (See FBI Aff. at 7.) On January 29th, they met with FBI Special Agent Robert Geeslin and related the history of the violence and abuse, including the threats on December 2nd referred to above. They also turned over the tapes of Williams' threatening phone calls which Ms. Nazario recorded at her mother's home between January 14th and 16th, some with the help of her mother, Virginia Nazario.

⁴ Interestingly, in two of these calls, the defendant referred to his guns. In one he says, "I already got my gun back, I already got my gun back." In the other he says, "Now look at this here, you got restraining order and I got two guns, you know and everything, so what? What you got now, what you got?" (See Appendix at 5 & 9 (Call Nos. 5 & 9).)

In the evening of January 29th, after she got home from giving the first tape of recorded calls from the defendant to the FBI, Ms. Nazario recorded another series of calls from Williams. The content of the recordings clearly identify Williams as the caller, and, most importantly, show that he used his position and influence as a police officer to discover that Ms. Nazario had retained an attorney and that attorney's identity, and that she and her attorney had gone to Internal Affairs and/or the FBI. Williams threatened to kill her:

. . . Bitch, You're going to see what happens to you now for this f**k you did today. What is Stephen Brush now? You're dead. I like..you're going to pay for that? Go on and tell me what you tell that f**k too. You're dead mother f**ker. You hear what I say? You're dead. I promise you at this time. Tape this, play it over, you're dead.

And another call:

Uh huh, you taping it. Tape it, and do what you have to do. When I get you, and I get you.. my hands on you, you're dead. You hear what I tell you? Tape this now girl. This paper... I don't give a f**k about this job, I don't give a f**k about nothin'. I'm going to kill you. I'm going to kill you mudderskunt now, OK? You hearing me? Loud and clear. You think it's a joke, you're dead and nothing will happen to me. Nothing will happen to me.

Williams then called back and whispered: "Hello. You dead mother f**ker. You hear me? You're dead. OK? You dead. You don't know who the f**k you're dealing with. You'll be taken out."

Both Ms. Nazario and her mother told the FBI that the male voice

on the tapes is that of Ian Williams, Jr. (See FBI Aff. at 4-5; Suppression Tr. at 39, 41-42 (Test. of FBI Agent Jon Weis).) The FBI transcript of all the tape-recorded calls is attached as the Appendix.

III. PROCEDURAL HISTORY

Based on the events described above, the FBI filed a criminal complaint in this Court charging Mr. Williams with depriving Ms. Nazario of her federal civil rights and of assaulting her with a deadly weapon. (FBI Aff. at 1.) On February 5, 1999, the magistrate judge issued arrest and search warrants for Mr. Williams and his home. Agents executed both warrants the same day. The United States Attorney filed an information charging Williams with the same two counts, depriving Ms. Nazario of her civil rights and assaulting her with a deadly weapon. In March of 1999, the grand jury returned an indictment charging Mr. Williams with three counts, namely: Count I, the federal witness tampering charge that from January 14-29, 1999, Williams "did intentionally harass Brendaly Nazario and thereby hindered, delayed, prevented and dissuaded her from reporting to a law enforcement officer the possible commission of a federal offense, to wit, the deprivation of Nazario's rights under color

of law;"⁵ Count II, assault in the third degree, namely, that on December 2, 1998, Mr. Williams "did unlawfully assault another person, to wit Brendaly Nazario, with a deadly weapon by placing a handgun to her head," a violation of Virgin Islands law;⁶ and Count III, the territorial witness tampering charge that on January 29, 1999, Williams "did use threats and intimidation against Brendaly Nazario, who had provided information to law enforcement personnel at the Virgin Islands Police Department responsible for investigating offenses that [Williams] committed a felony; to wit, the assault of Brendaly Nazario on or about December 2, 1998."⁷

After several detention hearings and Mr. Williams' eventual release pending trial in April, 1999, the magistrate judge scheduled this matter for trial in early September of 1999. Plea negotiations began between the government and the defense at a hearing on the defendant's motion to suppress held the week before trial. It became clear that an important element, if not the most important element, to a successful plea bargain would be whether or not Mr. Williams would be afforded the opportunity to argue for a lenient sentence of probation and the later

⁵ See 18 U.S.C. § 1512(c)(2).

⁶ See V.I. CODE ANN. tit. 14, § 297(2).

⁷ See 14 V.I.C. § 1510(a)(2).

expungement of his felony conviction. See 5 V.I.C. § 3711. This sentence would enable the defendant to achieve his goal of enabling him to retain his job as a police officer or allow him to resume his job as a law enforcement officer at a later time. (See Side Bar, Suppression Tr. at 64-70.)

On September 20, 1999, after the jury had been selected, the government renewed its offer to allow Mr. Williams to plea to either of the local charges, Counts II or III. Mr. Williams at first pled guilty to Count II, assault with a deadly weapon.⁸

⁸ I reproduce the plea colloquy in some detail.

THE COURT: I'm going to ask the Assistant U.S. Attorney, Mr. Gomez, to put on the record, please, the facts that the Government would be able to present at trial which would establish Mr. Williams's guilt beyond a reasonable doubt.

I ask you to listen, Mr. Williams, carefully to what Mr. Gomez says, because this is what you'll be admitting to, that you are guilty of doing when you enter your plea of guilty. Mr. Gomez?

MS. FERRON: One moment, please, your Honor. (Defendant and counsel conferring)

THE COURT: All right. Sir.

MR. GOMEZ: Your Honor, if this matter were to proceed to trial the government would show, ably, that the defendant Ian Williams, a member of the Virgin Islands Police Department, consistent with a longstanding pattern of abuse towards his common law wife, Brendaly Nazario, a longstanding [sic] which included at one time stabbing her, at one time choking her, and other acts of physical abuse, did on or about December 2nd, 1998, retrieved one of his weapons, a handgun, a black handgun, and put it to Miss Nazario's head and told her that he would blow her brains out.

The evidence would show that the defendant went to his room and, the time when he pulled the gun from her head, he laughed and said "I'm going to show you what it it's all about, you're dead." Thereby causing Miss Nazario at the next opportunity she had to flee from the home and take residence in a safe house since that time.

THE COURT: All right. The Court finds that there is factual basis to accept the defendant's plea of guilty to Count 2. Mr. Williams, do you understand everything that I've discussed with you here today?

Before the jury panel was released, however, I pointed out to the defense and prosecution that the local sentencing provision for probation and expungement of the record, 5 V.I.C. § 3711, excluded the offense of assault with a deadly weapon. Since section 3711 would encompass the other local charge, however, I allowed Mr. Williams to withdraw his plea to assault and he then pled guilty to Count III, tampering with the witness Brendaly Nazario in violation of 14 V.I.C. § 1510(a)(2).⁹ This matter is

THE DEFENDANT: Yes, your Honor.

. . .
THE COURT: I'm going now to read Count 2 of the indictment. Listen carefully because at the end I will ask you how you plead, and you must then either respond orally, guilty or not guilty.

The United States of America versus Ian E. Williams, Jr., Criminal number 99-25, the Grand Jury charges that, Count 2, on or about December 2, 1998, at St. Thomas in the District of the Virgin Islands, the defendant Ian E. Williams, Jr. did unlawfully assault another person, to wit, Brendaly Nazario, with a deadly weapon by placing a handgun to her head in violation of Title 14, Virgin Islands Code, Section 297(2).

Mr. Williams, how do you plead?

THE DEFENDANT: Guilty.

THE COURT: All right. The Court finds that the defendant is competent, and that after being fully advised of his rights has knowingly and voluntarily entered a plea of guilty to the crime of assault with a deadly weapon in Count 2 of the indictment.

(Change of Plea Hr'g, Sept. 20, 1999, Tr. ["Plea Tr."] at 11-14.)

⁹ The colloquy was as follows:

THE COURT: Now I recognize how important, I think from the discussions last week, it is to you, Mr. Williams, and you're still under oath, that the Court have the opportunity to consider 3711(c), which is probation without conviction. That's very important to you, is that right?

THE DEFENDANT: Yes, your Honor.

THE COURT: So I'm going to read it to you as follows:
Title 5, Section 3711(c)(1). [read from statute]

. . . Now, I don't want to be unfair and mislead, or think that the defendant is being misled, that that is an option. I looked at it, when I saw it, first of all, and maybe you and Attorney Gomez know something I don't know, but it seems to me that there's

now before me to sentence Mr. Williams on his plea of guilty to that charge.

IV. THIS MATTER IS PROPERLY BEFORE THE DISTRICT COURT OF THE VIRGIN ISLANDS

As much as it has offended the defendant and his supporters, this case is properly in the district court. Where a person, even a police officer, commits acts which violate the criminal laws of both the Virgin Islands and the United States, the United States Attorney has full authority to prosecute both the local and federal charges in the District Court of the Virgin Islands. As I have said more than once, I do not relish dealing with this case, but it was properly filed in this Court as a charge of

a very strong possibility that a plea to Count 2 would not allow 3711(c) treatment. So you want to sit down and speak to your client for a moment?

. . . (Defendant and counsel conferring)

MS. FERRON: Your Honor, we thank the Court for bringing this matter to our attention and we had discussed previously, my client and defendant, pleading to Count 3 of indictment. And I've discussed it with him and also with the U.S. Attorney, Mr. Gomez. And there would be no problem if we were to have him plead guilty to Count 3 as opposed to Count 2 in order to make it possible that he would be eligible for 3711(c) treatment.

THE COURT: Well, that's what I thought was in your mind. So come ahead up. So Mr. Williams.

THE DEFENDANT: Yes, your Honor.

THE COURT: I don't want to go over everything we went over before, unless you believe it's necessary. Because it's basically the same proceeding except to reiterate that you understand that you have certain rights and that you'll be waiving them by pleading guilty.

So I will allow the record to reflect that you are withdrawing your plea of guilty to Count 2, and the record will so reflect.

(Plea Tr. at 17-18.)

federal witness tampering, accompanied by two local charges, and there was and is no legal basis for me to dismiss the indictment merely because Mr. Williams, Ms. Nazario, the Police Benevolent Association, or even I, would rather it be tried by the equally competent judges of the Territorial Court.¹⁰ The federal prosecutor retains authority over the local charges even where, as here, the defendant pleads guilty to a territorial charge and any federal charges are subsequently dismissed.¹¹

¹⁰ I tip my hat to the judges of the Territorial Court who face these very difficult and emotion-laden decisions day in and day out.

¹¹ This remnant of local Virgin Islands criminal jurisdiction must be retained in the district court because of the Supreme Court's interpretation of the double jeopardy clause as applied to territories of the United States. Although the double jeopardy clause of the Fifth Amendment guarantees that no person shall "be twice put in jeopardy of punishment," a State of the Union and the United States are each separate sovereigns with separate criminal laws which often cover the very same conduct. Thus, one who commits a criminal act in a State of the Union may offend that State's criminal laws and federal criminal law, and both the United States and the State may prosecute and punish that act. This rule of law, known as the "dual sovereign doctrine," does not apply to criminal prosecutions in the Virgin Islands, even though Congress has applied the double jeopardy clause to the Territory of the Virgin Islands by section 3 of the Revised Organic Act. See 48 U.S.C. § 1561. This is because the government of the Virgin Islands is a creation of the federal Congress under Article IV of the Constitution and does not have the inherent sovereign power of a State of the Union. While I personally believe that the rule is outdated and insulting to the government and people of the Virgin Islands, the rule of law requires that I follow the current Supreme Court doctrine that the United States is the only sovereign in the Virgin Islands. Thus, the United States Attorney for the Virgin Islands must prosecute any local offenses which arise out of the same acts as the federal offenses. See *United States v. Wheeler*, 435 U.S. 313, 321 (1978) (territorial government acts as an agency of the federal government in prosecuting locally enacted offenses); *United States v. Sanchez*, 992 F.2d 1143, 1150 (11th Cir. 1993) (source of prosecutorial authority for both the courts of territory and federal district court is Congress), *modified*, 3 F.3d 366 (11th Cir. 1993); *Government of the Virgin Islands v. Brathwaite*, 782 F.2d 399, 406 (3^d Cir. 1986) (in certain circumstances, "the Virgin Islands and the federal government are considered one sovereignty"). But see *Harris v. Boreham*, 233 F.2d 110, 113-14 (3^d Cir. 1956) (Congress may create a government for the Virgin Islands with an autonomy similar to that of a State, including attributes of

Although the violence between Mr. Williams and Ms. Nazario may have been going on for a decade, in early 1999, Ian Williams, Jr., decided to raise the degree of violence to a level beyond the scope of the domestic violence laws of the Virgin Islands. Specifically, by telephoning Ms. Nazario and threatening to kill her or to otherwise use his position as a police officer to cause harm to her and her mother unless she dropped her complaint against him, Mr. Williams violated federal law. The evidence of the tape recordings of Mr. Williams' phone calls to Ms. Nazario as presented to this Court during the course of these proceedings supports the federal charge that he intentionally harassed Brendaly Nazario and thereby hindered, delayed, prevented or dissuaded her from reporting to authorities the possible commission of the federal offense of depriving Nazario of her rights using his position as a law enforcement officer. Mr. Williams thereby subjected himself to prosecution by the United States for both the federal and territorial crimes with which he was eventually charged.

sovereignty, e.g., the laws enacted by the legislature of the Virgin Islands are territorial laws and not laws of the United States.); *Jackson v. West Indian Co.*, 944 F. Supp. 423, 428 (D.V.I. 1996) ("The Virgin Islands is more analogous to a state government than to an appendage of the federal government.").

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V. THE APPROPRIATE SENTENCE

I am certain that the sentence I impose on Mr. Williams today will not entirely please anyone. Judging from editorials and letters to the editor from women's advocacy groups, some will contend that the sentence should have been much more harsh. To others, the sentence will seem too severe. I have reviewed the entire file and made every effort to take into consideration the competing interests involved and the interests of justice to all concerned. My goal is to fashion a punishment that is suitable to the crime and, at the same time, assists Mr. Williams, Ms. Nazario, and, most importantly, their children, to break free from the vicious cycle of violence in which they have lived for the past ten years.

I am mindful of the impact this sentence will have on those close to Mr. Williams, primarily Ms. Nazario and the couple's five children. As has become evident through the course of these proceedings, Ms. Nazario is almost entirely if not completely dependent on Mr. Williams for her support, both financially and emotionally. During the hearing before me on the defendant's motion to suppress on September 14, 1999, Ms. Nazario showed just how very dependent she is on Mr. Williams, despite his physical and psychological abuse of her. She denied that she had told the FBI anything, denied that she had made any tapes or been present

when they were made, denied that she turned them over to the FBI, denied even that she had given them to her attorney or that she knew who gave them to him, and denied that either Mr. Williams' or her voice was on the tapes. She said it was all the doing of her attorney, Stephen Bruschi, although she did acknowledge that she was present when she and Attorney Bruschi met with FBI Agent Geeslin and he received the tapes.¹²

¹² Illustrative excerpts from Ms. Nazario's testimony follow:

THE WITNESS: Your Honor, I would like to ask you to allow me the time to say something.

THE COURT: All right, go ahead.

THE WITNESS: I would like the record to state that I was not the one that came to the FBI and brought any tapes. My attorney is the one that made contact with the FBI. I never knew the FBI could have gotten involved with any domestic violence case.

Number one, Mr. Ian Williams is the father of my five minor kids. The life that I have lived for nine months have not been a life that anyone could imagine. We have suffered. My kids are devastated. My kids go sleep crying, asking for their father, for their family. This is not right.

And in my two letters that I have stated to the Court, my intent in this matter, nobody has ever listened, nobody that was supposed to be my supporters are now nowhere around to be found. As I have expressed to my counsel, Attorney Steven Bruschi since March of 1999, my intent, my concerns about this matter and where this matter was heading to, nine months now down the line, where are we at?

Mr. Williams has committed no federal offense. He has much less intimidated me.

. . .

THE COURT: Well, let me see if I understand, Miss Nazario. You do recall speaking, I think you said, to Agent Geeslin?

THE WITNESS: I was -- it was in the presence of Attorney Steven Bruschi, and I was not the one that was speaking. Attorney Bruschi was the one that made all the, whatever comments were made. And whatever statements were made, it's Attorney Bruschi that spoke. I didn't have anything to say.

THE COURT: But I guess I misunderstood. I thought that you said it was by telephone with Geeslin. But this was actually a meeting with him and Attorney Bruschi?

THE WITNESS: Attorney Bruschi spoke to Bob Geeslin without my consent, first of all. When Attorney Bruschi contacted me,

While her mother, Virginia Nazario, did not, more likely would not, identify the male voice on the tapes, she did say that it

Attorney Brusch had already spoken to Bob Geeslin, and all I knew is that this case was in the U.S. Attorney's Office.

THE COURT: You didn't answer my question. Did you have a meeting face to face, you and Mr. Geeslin, Agent Geeslin?

THE WITNESS: Yes, we did.

THE COURT: All right.

THE WITNESS: And with Attorney Brusch present.

THE COURT: All right.

BY MR. GOMEZ:

Q. At that meeting, Miss Nazario, you gave Agent Geeslin some tapes?

A. No, I did not.

. . .

BY MR. GOMEZ:

Q. Did . . . you make tape recordings of conversations you had with Ian Williams?

A. No, I didn't.

Q. Did you make a tape recording on or about January 29th, 1999, of a conversation that you had with Ian Williams?

A. No.

Q. Did you record your voice on a tape recorder, and say the following words on January 29th, 1999: "January 29th, 1999, as of 10:00 p.m."?

A. No, I didn't.

. . .

[BY MR. GOMEZ:]

Q. Did you tape that conversation, Miss Nazario?

A. No, I did not.

Q. Did you have a conversation with Agent Geeslin, where you told him that the two voices in that conversation were yours and Ian Williams?

A. No, I didn't.

THE COURT: Were you present when that was taped?

THE WITNESS: No, I wasn't.

. . .

BY MR. GOMEZ:

Q. Miss Nazario, the tape that you just heard, did you give that tape to Stephen Brusch?

A. No, I did not.

Q. You mentioned earlier that Stephen Brusch gave tapes to the FBI; is that correct?

A. Yes, I did.

Q. Where did he get those tapes from?

A. I don't know.

Q. Did you give him those tapes?

A. No, I didn't.

was her daughter's voice on the recordings. She also testified that Williams made harassing phone calls to Brendaly while she was staying with her after December of 1998, and that she had seen bruises on her daughter inflicted by the defendant and, on cross-examination, that she had seen Williams hit her daughter on one occasion. (See Suppression Tr. at 22.)

Ms. Nazario's efforts to change her story when called to testify in court provide a textbook example of the "battered woman syndrome" identified by experts in the field.¹³ Domestic violence is described as

a pattern of coercive, violent, and controlling behaviors which occurs between people who have, or have had, a relationship with one another. It includes physical, sexual, economic, psychological and emotional abuse. It often escalates in frequency and severity over time. . . . The goal of the abuse is for one person to achieve and maintain power and control over the other(s).

(See Expert Report at 1.) From interviews with Agent Geeslin and others involved with Ms. Nazario, as well as documents filed in this Court and in the Territorial Court and Ms. Nazario's letters asking that the case be dismissed, "Miss Nazario does appear in a manner consistent with domestic violence." (See *id.* at 5.)

Indeed, Ms. Nazario's letters of May 27 and August 18, 1999, (see

¹³ I am assisted by the report from an expert in domestic violence against women filed in this case. See Gov't's Notice of Filing of Expert Report, with report of expert Karla M. Digirolamo attached (filed Sept. 17, 1999) ["Expert Report"].

Def.'s Notice of Opp'n, Exs. A & B), confirm for the expert "[Nazario's] experience as a victim of abuse by Mr. Williams" through her reference to his "'self-control' problems and the fact that his behavior stems from 'generations before,'" (see Expert Report at 5). Ms. Nazario further

indicates that her desire is to maintain her family and to get help for Mr. Williams. This is a very common reaction among battered women; they routinely state that their greatest desire is to maintain the relationship without the violence. Many battered women also recant or backpedal on the initial complaints because they fear that cooperation with the criminal justice proceeding will further endanger them; they may recant in an effort to prove to the abuser that they are loyal to them and in the hope of reducing the danger that such a "betrayal" may create for them.

(See *id.*)¹⁴

Finally, the expert report concludes with this:

In assessing the credibility of allegations of abuse that have been recanted it is important to assess whether there would have been any benefit from making an original false allegation. There is little to indicate that Miss Nazario would have benefited in any way from making false allegations of abuse. On the contrary, it is clear that there may be very sound reasons for her to now recant, most importantly related to her continuing safety and her commitment to maintain her family and her children's relationship with their father. She may also continue to hold out some ray of hope that he will in fact change, that the violence

¹⁴ Ms. Nazario's insistence in her August 18th letter that she is not presenting "an emotional or dramatic reaction of a woman suffering from "BATTERED WOMAN SYNDROME," is another indication that she is in fact a battered woman. The expert observes that this "is a common reaction among battered women who may recognize that they have experienced violence and other forms of abuse but who resist labeling themselves as battered women or as suffering from the battered women syndrome." (See Expert Report at 5.)

will end and she will have the nonviolent home that she wants for herself and her children.

(See *id.* at 6.)

In her letters to me, and elsewhere, Ms. Nazario has acknowledged that she needs counseling. I strongly recommend that she seek counseling and that those around her make every effort to support her in this regard. Finally, although Ms. Nazario may now think she regrets her actions, I commend her for finding the courage to come forward when she did and to seek help. I sincerely hope that she once again can find the strength to realize that she does not deserve to be abused as she has been by Mr. Williams.

My overriding objective here is to end the cycle of violence between these two individuals, Mr. Williams and Ms. Nazario, so that the couple's children do not fall prey to the same fate. As was revealed at a detention hearing, it appears that Mr. Williams grew up in a family where abuse was present. In fact, the Territorial Court issued a temporary restraining against Mr. Williams' father enjoining him from "threatening harassing, molesting or interfering with" Mr. Williams' mother. (Temporary Restraining Order, Fam. No. D151/1988 (Terr. Ct. Aug. 12, 1988).) Like the defendant throughout these proceedings until today, his father also denies that he ever abused the defendant's mother.

(See Detention Hr'g Tr. of Feb. 26, 1999, at 22.) She too would

rather forget about the abuse, but nevertheless verified the truthfulness of her complaint for domestic violence against Ian Williams, Sr. (See *id.* at 29-31.) While the defendant's upbringing cannot excuse his behavior in the slightest, it does perhaps offer an explanation for what is otherwise incomprehensible behavior. Ms. Nazario's home life does not seem to have been ideal either. Although there has been no indication of physical abuse, her family's reaction to her having children with Mr. Williams does not indicate a supportive or loving environment.

While Mr. Williams and Ms. Nazario are adults and responsible for their actions, their five children are subject to the whims and mercies of their parents and their surroundings. The role I can play in helping to end the violence in this relationship is to require Mr. Williams to seek help and provide Ms. Nazario the time and distance from Mr. Williams to get treatment herself. Those involved in this situation, Mr. Williams, Ms. Nazario, and their respective families, should do everything in their power to make sure that these children do not grow up to be abusers or victims of abuse themselves.

While I am greatly concerned about the welfare of Ms. Nazario and the children, my primary focus must be and is Mr. Williams' conduct. To dispel any doubt about the serious nature

of the crime to which Mr. Williams pled guilty, the following is the transcript of Mr. Williams' plea:

THE COURT: All right. Now I'm going to ask Attorney Gomez if he would -- first of all, before we even get to that, I want to make sure, since we're talking about a different crime, that you understand that the maximum penalty for what is alleged in Count 3 is a violation of Title 14, Section 1510(a)(2), and the maximum punishment for that would be a fine of no more than \$2,000 or imprisonment of not more than ten years, or both.

Do you understand that's what the maximum penalty can be?

THE DEFENDANT: Yes, your Honor.

THE COURT: So I'm going to ask the Assistant U.S. Attorney, Mr. Gomez, to please place on the record the facts that the Government would be able to present at trial which would establish the defendant's guilt beyond a reasonable doubt of Count 3.

And again, Mr. Williams, please listen very carefully to what Mr. Gomez says **because that's what you'll be admitting by pleading guilty to Count 3.**

MR. GOMEZ: Your Honor, there are a number of things that the Government would have proved if this had gone to trial. We can, there's some information that we believe we would have proven, we can use a tape and play it or we can submit the transcript if the Court is so inclined, which the Government is willing to represent, which is what is on those tapes is what the Government would have put forward at trial.

THE COURT: All right. Let me ask Mr. Williams. You have read the transcript of the, of what's on the tape or have you listened to the tapes, so it's not necessary for us to play them? We can play them.

THE DEFENDANT: Yes.

THE COURT: Yes, you have?

THE DEFENDANT: Yes.

THE COURT: All right. So if the Government would submit them as a formal manner, I think they have been, I don't think they were ever admitted. They may have been marked but I don't think they were ever admitted.

MR. GOMEZ: We would like to submit a copy, I believe we've already provided a transcript to the Court of what is on those tapes.

Your Honor, the Government would, if this matter had gone to trial, the Government would have proven that the voice on that tape was indeed the voice of Ian Williams. The Government would also prove -- the male voice, rather, on that tape was Ian Williams. The Government would prove that, again, consistent with a longstanding pattern of abusive conduct towards Brendaly Nazario, that the defendant Ian Williams, a member of the Virgin Islands Police Department did specifically from January 14th through January 29th, continued in a pattern of making harassing and threatening phone calls to Brendaly Nazario, the last of which was the recording of January 29th 1999.

The Government would show that on that date, that on January 29th 1999, Brendaly Nazario did go to the Internal Affairs to lodge a complaint and in fact did file a complaint against Mr. Ian Williams.

THE COURT: Mr. Williams, I want you to listen. This is -- okay?

MR. GOMEZ: Subsequently on that same night Miss Nazario received a series of phone calls, most of which were -- all of which were chilling in nature, threatening, among other things, to kill her, telling her that she was dead, suggesting that the caller, who the Government would have proven, was Ian Williams, knew that she had been to the police, knew that she -- or rather Internal Affairs -- knew that she had taped phone calls, knew that she was at Internal Affairs with Steven Bruschi.

And all of those facts were made clear on the taped conversations that Miss Nazario in fact had taped when Ian Williams called hours after Miss Nazario had returned from Internal Affairs.

The Government would have proven that at the January 29th, 1999, a meeting between Miss Nazario and Internal Affairs individuals, that Miss Nazario had told Internal Affairs about the assault that had taken place on or about November 2, 1998. An assault in which Mr. Williams put a gun to the head of Miss Nazario and threatened to blow her brains out. That information was conveyed.

The Government would also show that the reason that Miss Nazario did not report that assault before was because in fact she had been the victim of ongoing, longstanding and serious threatening and harassing

phone calls from January 14th through the last one, which was recorded on January 29th 1999.

. . .

(Defendant and counsel conferring)

THE COURT: Are you ready to proceed?

MS. FERRON: I think so, your Honor.

THE COURT: Yes, sir. Are you ready to go?

The Court finds that there is a factual basis, I think I've already said, to accept the defendant's plea to Count 3.

. . .

THE COURT: . . . So I'm going to read Count 2 to you of the indictment, and I want you to listen carefully -- 3, excuse me, Count 3 of the indictment, and I want you to listen carefully because at the end I'm going to ask you how you plead. And at that time you are to say you're not guilty or guilty.

All right. In the United States of America versus Ian E. Williams Jr., Criminal 99-25, Grand Jury charges on Count 3 that on or about January 29, 1999, at St. Thomas in the District of the Virgin Islands, the defendant Ian E. Williams, Jr., did use threats and intimidation against Brendaly Nazario, who had provided information to law enforcement personnel at the Virgin Islands Police Department who were responsible for investigating offenses, that Ian E. Williams Jr. committed a felony, to wit, the assault of Brendaly Nazario on December 2, 1998. And that's in violation of Title 14, Virgin Islands Code Section 1510(a)(2).

Mr. Williams, how do you plead?

THE DEFENDANT: Guilty.

THE COURT: All right. The Court finds that the defendant is competent, and that after having been fully advised of his rights has knowingly and voluntarily entered a plea of guilty to the crime of Count 3.

(Plea Tr. at 17-20 (emphasis added).)

The events recited by the government are the culmination of a pattern of violence and intimidation that Williams has employed since becoming a Virgin Islands police officer. This pattern is evident in the facts described herein which show that Mr.

Williams repeatedly used his position as a police officer to influence or threaten those around him. If there remains any doubt in anyone's mind that Mr. Williams posed a significant danger to his family and to our community, the attached transcript of the tape recordings of his phone calls to Ms. Nazario should eliminate the questions. (See Appendix.) The recordings are shocking and quite frankly, extremely frightening:

You going to come up here with a police? I am the f**king police

You think that restraining order is going to save you. . . . Go to court, go to the police station make a report now. I am begging you, girl you are going to get beat so bad. . . . Now look at this here, you got restraining order, and I got two guns, you know and everything, so what? What you got now, what you got?

You dead bitch. You hear what I say? And record it good. Let me see how long the restraining order is going to help you. Okay! What you do them children was wrong and you are going to pay for it.

(See Transcript of Telephone Conversations Between Ian Williams, Jr. and Brendaly Nazario Jan. 14-16, 1999, at 2, 9, & 10 (attached as Appendix.)

What is Stephen Bruschi now? You're dead. I like . . . you're going to pay for that? Go on and tell me what you tell that f**k too. You're dead mother f**ker. You hear what I say? You're dead. I promise you this time. Tape this, play it over, you're dead.

(Transcript of Telephone Conversation Between Ian Williams, Jr. and Brendaly Nazario Jan. 29, 1999, at 1 (attached as Appendix).) Mr. Williams' words are chilling.

As a member of the Virgin Islands Police Department, Mr. Williams was sworn to uphold the law. Instead of upholding the law, he assumed and acted as if his badge placed him above the law and repeatedly abused the power and respect of his position. In so doing, Mr. Williams has scarred Ms. Nazario and their children. He also has brought disrespect to the entire Virgin Islands Police Department and the vast majority of officers within the department who go to work every day committed to enforcing the law and abiding by it themselves. Mr. Williams' actions also have further eroded the community's trust in its police force. At a time when this community desperately needs a police force it can rely on to be a role model, especially for the youth of the Territory, Mr. Williams' actions are destructive.¹⁵

¹⁵ It is my opinion that the conduct of certain members and officers of the Police Benevolent Association ["PBA"] regarding this case also has contributed to the public's low opinion of its police force. Their actions were undoubtedly prompted by an understandable, however misplaced, loyalty to Mr. Williams and a misconception of their labor union's role in representing fellow police officers. These police officers apparently felt so strongly about, or so threatened by, this case being prosecuted in federal court that they took the extraordinary action of picketing on the sidewalk below Magistrate Judge Barnard's courtroom on Wednesday, February 24, 1999, intending to influence the judge to release Mr. Williams with placards urging "Free Willie." According to the *Daily News* of February 24th, the PBA announced the picketing in advance, asserting that the union had a constitutional right to assemble and protest: "It is our job to make sure he is treated fair, and we must take a stand on this issue, because today it might be him, and tomorrow it might be me." It is a violation of federal law to picket outside the district court with the intent to influence a magistrate judge in the discharge of his duties. See 18 U.S.C. § 1507 (making it a federal misdemeanor to picket near a federal courthouse with the intent to influence a judge, juror, witness, or court officer in the discharge of her or his duties); *United States v. Carter*, 717 F.2d 1216, 1218 (8th Cir. 1983)

The barbarity of Mr. Williams' conduct requires that he serve time in prison. I have considered and rejected his request for section 3711(c) treatment of probation without conviction and expungement of his record. Imprisonment alone, however, will not help him break the cycle of violence or assist Ms. Nazario and their children. This will require Mr. Williams' active participation in intensive counseling to uncover and uproot the cause of his abusive behavior and rage. Unfortunately, I have no confidence that the Virgin Islands Bureau of Corrections can provide the needed level and quality of intensive therapy. Given Mr. Williams' history of contempt for the law that he swore to uphold and enforce, I would prefer to impose a substantial prison term of more than six months. The sentencing provisions of the Virgin Islands Code constrain me, however, to limit Mr. Williams' time in prison to a maximum of six months if I am to require his participation in therapy and counseling after he gets out of prison. I must split his sentence between period of imprisonment and supervised probation. See 5 V.I.C. § 3711(a) (authorizing imposition of up to maximum prison sentence plus probation of up

(upholding conviction under statute); see also *Cox v. Louisiana*, 379 U.S. 559 (1965). Rather than respecting and enforcing the law, these officers broke it. While it is most appropriate for the union and its officers to fight to improve their abysmal working conditions and to push for better pay and benefits for the dedicated and hardworking police officers in the Territory, it is entirely another matter for the union to interfere with a criminal prosecution.

to five years, but only if all but first six months of incarceration are suspended).

Balancing the interests of retribution and rehabilitation, I will commit Mr. Williams to the custody of the Virgin Islands Bureau of Corrections to be imprisoned for a period of five and one-half years. I will suspend the execution of all but the first six months of this term of imprisonment, and will place the defendant on supervised probation for the maximum of five years. One of the conditions of that probation will be that Mr. Williams actively participate in domestic violence counseling.

Until he comes to grips with his abuse of the mother of his children, Mr. Williams is not fit to remain a police officer. Another condition of probation thus will be that he seek alternative employment other than the field of law enforcement or any other job where a firearm would be a requirement. By his own actions, Mr. Williams has relinquished the privilege of being a police officer. He has repeatedly demonstrated that he is not capable of exercising restraint or good judgment and has chosen instead to use the instruments of his power as a police officer, e.g., his guns, his baton, and his pepper spray, to terrorize and humiliate his partner, Ms. Nazario. Based on the facts presented in this case, the Court finds that Mr. Williams would pose a threat to our society if he is allowed to return to a law

enforcement officer position without first learning to control his anger and his behavior. Whether he may be able to be a police officer again in the future is a remote possibility, but only once he is no longer a batterer.

The sentence I impose on Mr. Williams places a great deal of responsibility on Mr. Williams. He has made a good start today by admitting for the first time in public and to me that he did indeed make the telephone calls which Ms. Nazario recorded in January of 1999. What he chooses to make of himself and of the opportunity provided to him will be his decision. Mr. Williams can opt to waste his time in prison by brooding over his predicament or he can choose to finally and fully accept responsibility for his actions and to acknowledge the harm he has caused. If Mr. Williams violates any of the terms or conditions¹⁶ of his probation, I will send him back to prison for the remaining five years of his sentence.

¹⁶ The other terms and conditions of Mr. Williams' supervised probation will be that he:

1. support his dependents and meet other family responsibilities;
2. work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
3. not have contact in person or by use of a telephone or other electronic device with Brendaly Nazario except as permitted in a therapeutic setting and as approved by the Probation Officer or the Court;
4. be permitted to have supervised contact with his children; and
5. receive credit for time already served in jail in this case.

I will also reserve the right to modify the conditions of probation, as provided in 5 V.I.C. § 3711.

Mr. Williams says today he is a changed man and accepts responsibility for what he has done, but virtually every criminal has had an epiphany by the time she or he comes before me for sentencing. Only time and the hard work of introspection by Mr. Williams through therapy with his counselor will tell whether he is serious. The choice is his.

VI. CONCLUSION

The Court sincerely hopes that Mr. Williams comes to terms with his actions and finally realizes that he has no one to blame but himself. He made decisions, he took certain actions. It is time for Ian Ellis Williams, Jr., to face the consequences of those actions.

ENTERED this 10th day of May, 2000.

FOR THE COURT:

_____/s/_____
Thomas K. Moore
Judge

ATTEST:
Orinn F. Arnold
Clerk of Court

By: _____
Deputy Clerk

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Copies to:

Hon. G.W. Barnard
AUSA Curtis Gomez
Claudette Ferron, Esq.
U.S. Probation Office
Mrs. Jackson
Julieann Dimmick, Esq.

*** Appendix ***

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 01/30/00

Following is a transcript of recorded telephonic conversations between Ian E. Williams and Brendaly Nazario during January 14-16, 1999:

I.W.: Ian E. Williams
B.N.: Brendaly Nazario

Call #1

I.W.:

YOU DEAD, OKAY. KEEP RUNNING TO YOUR COUNSELOR, WAIT MAN WAIT, I AM GOING TO GET YOU FOR WHAT YOU DO MY DAUGHTER THEM, TAKE MY CHILDREN AROUND ALL KIND OF MAN AND THING, YOU'RE A FUCKING BITCH AND YOU BETTER DON'T COME AROUND HERE LOOKING FOR THEM EITHER, CAUSE YOU GOING TO GET WHAT YOU'RE GOING TO TAKE YOU THINK IT OVER? IT AIN'T GOING TO DONE NOW, IT AIN'T GOING DONE NOW, UNDERSTAND, IT AIN'T GOING DONE NOW, AND YOU BETTER GET MY MONEY FOR MY CREDIT CARD THEM TO, IT AIN'T GOING TO DONE NOW, YOU SHOULD HAVE NEVER DONE WHAT YOU DO TO MY CHILDREN THEM, YOU "DIS" ME LIKE THAT, YOU "DIS" ME FOR LIFE, I'M GOING TO DEAL WITH YOU.

I.W. :

YEAH, I WANT YOU MAKE THE MISTAKE, RIGHT, WHEN YOU LEAVE OUT OF IN THERE AND GO ANY PLACE, YOU GOING TO SEE WHAT GOING TO HAPPEN TO YOU, YOU THINK THIS DONE, BRENDA THIS AIN'T DONE, AND YOU HAVE THE NERVE

B.N.: YOU HAVE THE NERVE. . . .

I.W. :

YOU HAVE THE NERVE TO COME HERE AND THREATENING MY CHILDREN THEM THE OTHER DAY BECAUSE, THEY HAD NO REASON TO OPEN UP THEIR DAM MOUTH. YOU KNOW HOW BAD I PRAYING FOR YOU, I WANT YOU TO CARRY ME BACK IN COURT, BECAUSE I AM GOING TO DESTROY YOU, YOU HEAR WHAT I'M SAYING, YOU THREATENING MY CHILDREN THEM. I'M WAITING FOR YOU, YOU KNOW, I WAITING FOR YOU. BUT NOW YOU WANT TO COME HERE PLAYING MOTHER, YOU BETTER STAY THE FUCK AWAY FROM THEM.

Investigation on 01/30/99 at St. Thomas, USVI

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File# 282A-SJ-36011 Date dictated 01/30/99

by SA ROBERT C. GEESLIN:rcg

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B.N.:

HEY, I HAVE AS MUCH RIGHT TO THEM AS YOU, OKAY. . . . I'M GOING TO DEAL WITH YOU ACCORDINGLY.

I. W. :

YOU AIN'T GOING TO EVER GET THEM BACK AGAIN, FOR WHAT YOU DONE DO, TRY IT, TRY IT, YOU CAN'T THING, IS MONEY DONE SPENT ALREADY, YOU CAN'T NEVER GET THEM AGAIN NOT YOU A WHORE LIKE YOU, A WHORE LIKE YOU, YOU WAIT, YOU GOING TO SEE WHAT YOU GOING TO GET, YOU GOING TO SEE WHAT YOU GOING TO GET, YOU WANT TO KNOW WHERE I WENT LAST NIGHT..(LAUGHING). YOU GOING TO SEE WHAT YOU GOING TO GET. YOU THINK YOU COULD GET THEM?....
(LAUGHING)TOO MUCH MONEY DONE SPENT GIRL, YOU CAN'T GET THEM CHILDREN THERE, NOT YOU. NOT YOU. NOT YOU.

Call #2

B. N. : HELLO

I.W.:

HEY, YOU GOING TO WAIT MAN, YOUR WHOLE WORLD IS GOING TO FALL APART, YOU HAVE NOTHING, LOOK AT YOU, WHERE YOUR MAN IS RIGHT NOW? TALK ABOUT YOUR STINKING PORK SKUNT. A LIL FUCKING PUNK YOU HAD RIDING YOU, WHAT HE COULD DO FOR YOU, WHAT HE COULD DO FOR YOU NOW, WHAT YOU HAVE? NOTHING BUT AN OLD PIECE OF FUCKING GREY CAR, AND A STINKING, DIRTY FUCKING PORK, A BITCH LIKE YOU, WHAT YOUR MAN, WHAT HE COULD DO FOR YOU NOW, YOUR STUPID MOTHER *SKUNT*, YOUR OWN FRIEND THEM LAUGHING AT YOU, UNFIT MOTHER FUCKER, NOT ONE CHILD YOU LOSE, YOU LOSE FOUR. YOU CAN'T BEAT ME, UNDERSTAND, YOU CAN'T BEAT ME. SO, DON'T EVEN TRY, I TRY DOING YOU A FAVOR, BUT LET'S GO FOR THE GROOVE STONE. AFTER, WHAT YOU DO *IN* FRONT OF THEM CHILDREN. WHICH COURT ON ST. THOMAS IS GOING TO GIVE YOU THEM? NOT YOU, NOT A BITCH LIKE YOU. I HAVE YOU RIGHT WHERE I WANT YOU.

Call #3

I. W. :

B. N. : HELLO.

I.W.:

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YOU GOING TO COME UP HERE WITH A POLICE? I AM THE FUCKING POLICE..YOU EVER
HEARD ABOUT CROOKED COP?

B.N.: YOU IS ANY POLICE?

I.W.: YOU HEAR ABOUT CROOKED COP? YOU HEAR ABOUT CROOKED COP?

B.N.: I DON'T CARE ABOUT CROOKED COP.

I.W.: GO, NOW.. GO, NOW

B.N.: TALK ALL YOU WANT, TALK ALL YOU WANT.

I.W.: GO NOW .. GO, NOW

B.N.: YOU ARE GOING TO FRIG YOUR OWN SELF.

I.W.:
YOU CAN'T DO NOTHING, NOTHING CAN'T HAPPEN TO ME. YOU HEAR WHAT I AM
TELLING YOU, YOU HEAR WHAT I AM TELLING YOU, BUT I'M HURTING, WHO LOOK LIKE A
BITCH?

B.N.: I DON'T CARE WHAT I LOOK LIKE.

I.W.: WHO GOT FUCKED.IN FRONT OF THE CHILDREN.

B.N.: I AIN'T DO A DAMN THING, IN FRONT OF NO CHILDREN THEM. YOU COULD SAY
WHAT YOU WANT TO SAY.

I.W.:
THE CHILDREN THEM SEE, EVERYTHING. THE CHILDREN THEM SEE EVERYTHING, AND
YOU THREATENING THEM SATURDAY, AND I MADE A POLICE REPORT.

B.N.: I DON'T CARE, WHAT YOU DO OR WHAT YOU SAY!

I.W.: HOW ARE YOU GOING TO COME FOR THEM? HOW ARE YOU GOING TO COME FOR
THEM? LOOK WHERE THE DUDE IS NOW. HE COULD DO ANYTHING FOR YOU BRENDA?
HE COULD DO ANYTHING FOR YOU?

B.N.: KEEP TALKING, TALK ALL YOU WANT TO TALK, I KNOW BETTER.

I.W.: YOU KNOW BETTER?

B.N.: I KNOW BETTER THAN TO ANSWER AN IDIOT LIKE YOU.

I.W.: TO ANSWER AN IDIOT LIKE YOU? TO ANSWER AN IDIOT LIKE ME?

B.N.: OKAY.

I.W.: I AM HURTING?

B.N.:
OUT OF ALL PEOPLE, YOU, YOU USING THEM CHILDREN. YOU DON'T HAVE NO USE FOR THEM. YOU KNOW I HAVE VISITATION RIGHTS FOR THOSE KIDS, AND YOUR GOING TO TELL ME, I MUST LEAVE THE CHILDREN THEM BECAUSE I MIGHT HURT THEM. I AM NOT LIKE YOU! I AM NOT LIKE YOU!

I.W.:
WHAT YOU DO? WHAT YOU DO, YOU ARE AN UNFIT MOTHER. WHICH MOTHER YOU KNOW IS GOING TO GO WITH THE BOYFRIEND AND CARRY THEM CHILDREN LIKE THAT.

B.N. :
I AM NOT LIKE YOU, OKAY , I AM NOT LIKE YOU, GOD BE WITH YOU. AND DON'T CALL MY HOUSE BECAUSE EVERY CALL IS BEING TRACED. DON'T CALL MY HOUSE.

Call #4

B.N.: HELLO.

I.W.:
ME OF ALL PEOPLE, LET THEM TRACE THEM. YOU KNOW HOW BAD I WANT, LOOK NOW, YOU KNOW HOW BAD I WANT YOU TO GO TO THE COURT AND DO SOMETHING. I WANT YOU TO DO IT. SO THAT I COULD GET IN THERE, AND I'M BRINGING ALL OF MY CHILDREN THEM THIS TIME. I BRINGING ALL OF THEM, THEY COULD TALK AND THEY ARE GOING TO TELL THE JUDGE EXACTLY, WHAT IT IS.

B.N.:
AND I HOPE THEY TELL THEM HOW YOU CORRUPT THEIR MIND, AND YOUR TELL THEM THAT THEY MUST NOT CALL ME, THEY MUST NOT CALL ME AND ALL KIND OF STUPIDNESS FULLING UP THEIR HEAD.

I.W.

THEY COULD CARRY THE JUDGE, AND THE COUNSELOR THEM EXACTLY WHERE YOU CARRY THEM. UNDERSTAND? THEY COULD CARRY YOU THERE, BECAUSE THEY ALREADY CARRY ME THERE, OKAY. I COULD CARRY YOU THERE. YOU CAN'T.....

B.N.: YOU DON'T SEE YOU SICK, YOU ARE A SICK MENTAL PATIENT.

I.W.: YOU CAN'T BEAT ME IN THIS HEAR, YOUR A NASTY ASS WHORE.
LOOK AT YOU

B.N.: DO WHAT YOU GOT TO DO! DO WHAT YOU GOT TO DO!

I.W.: WHAT HE COULD DO FOR YOU NOW.

B.N.: DO WHAT YOU GOT TO DO, DO WHAT YOU GOT TO DO! YOU HAVE THE NERVE TO BE CALLING ME AND BEGGING ME TO DROP, DROP... WHAT YOU THINK I AM GOING TO DO?

I.W.: I ALREADY GOT MY GUN BACK, I ALREADY GOT MY GUN BACK!!

B.N.: OH, THAT'S GOOD FOR YOU.

I.W.: YOU FUCKING BITCH, YOU CAN'T BEAT ME, YOU DON'T SEE I AM ON TOP OF THINGS. YOU THINK I NEED YOU? I DON'T NEED YOU.

B.N.: STAY ON TOP OF THINGS.

I.W.:

YOUR NASTY ASS, WITH YOUR STINKING DIRTY PUSSY. HE FUCK YOU AND STILL TALK ABOUT YOU, AND YOU RUNNING BEHIND HIS MOTHER AND HIS MOTHER STILL TALK ABOUT YOU, BRENDA (CONNOR), LORRAINE THEM TALKING ABOUT YOU, EVERY BODY TALKING ABOUT YOU.

B. N. : I DON'T CARE!

I.W.:

YOU GOING TO FIND OUT WHAT IS GOING TO HAPPEN TO YOU.
YOU GOING TO LOSE THAT SAME FUCKING JOB THERE TO, AND
WHAT YOU GOING TO DO?

B.N.: THANKS TO YOU, THANKS TO YOU, FOR YOU CALLING THE JOB. -
THANKS TO YOU, OKAY. THANKS TO - YOU FOR CALLING THE JOB.

I.W.: YOU HAVE NOTHING NOW, I MAKE YOU AND I AM BREAKING YOU.

B.N.: YOU MAKE ME?

I.W.: YEAH!

B.N.: YOU MAKE ME? YOU DIDN'T BRING ME INTO THIS WORLD.

I.W.: YEAH! AND I BREAKING YOU, YOU BREAKING DOWN NOW, THOUGH.

B.N.: BREAKING DOWN?

I.W.: YEAH! YOU BREAKING DOWN.

B.N.: YOU DON'T SEE I AM FAT AND PLUMP. YOU BETTER WORRY ABOUT YOURSELF.

I.W.:
YOU FAT AND PLUMP? YOUR STINKING PORK MOTHERSKUNT. YOU THINK I'LL KILL
MYSELF FOR YOU, I HAVE WHAT I WANTED FROM YOU, MY CHILDREN THEM. ALL YOU
HAVE FOR ME IS MY CREDIT CARD MONEY.

B.N.: I DON'T HAVE ANYTHING FOR YOU, WORK FOR IT YOURSELF!

I.W.: YEAH! YEAH!

I.W.:
YEAH, HELLO. YOU THINK THIS IS A JOKE? RIGHT! YOU SHOULD HAVE NEVER DONE
WHAT YOU DO WITH MY CHILDREN THEM, BRENDA. AND IF IT TAKES MY LAST RED
CENT, YOU GOING TO SUFFER. YOU KNOW WHY? ZAIDA (DAUGHTER) IS A LITTLE GIRL,
YOU ARE HER MOTHER, AND YOU COULD HAVE SHOWN HER BETTER THAN THAT, YOU
UNDERSTAND, YOU COULD HAVE SHOWN HER BETTER THAN THAT. AND YOU WRONG,
AND I'M TELLING YOU, I BEGGING YOU, GO CALL THE POLICE, DO WHAT YOU THINK, I
WANT IT TO GO INTO COURT. THAT'S WHAT I WANT YOU TO DO,

OKAY! IBEGGING YOU, BECAUSE I AM GOING TO DESTROY YOU IN THERE.

CALL #5

PHONE: RINGING

B.N.: HELLO

I.W.:

YEAH. I WANT YOU TO DO ME A FAVOR TO, I WANT YOU TO CALL YOUR MS. OPHELIA, TELL HER, HER OBEAR IS NOT STRONG ENOUGH. AND TELL YOUR BOYFRIEND, RIGHT, I AM GOING TO GET HIM FOR THE ILLEGAL TINT HE HAS ON HIS CAR, I AM GOING TO DEAL WITH HIM AND YOU, TOO. OKAY. YOU DON'T KNOW WHAT IT IS YOU ARE DEALING WITH. YOU DON'T KNOW. AND YOU THINK YOU COULD DO AND YOU GOING TO THING ... OKAY. YOU AIN'T NO WAY, IN HELL YOU COULD THING... I HOPE YOU TAPING, I HOPE YOU RECORDING, BECAUSE I WANT TO END BACK UP IN COURT. OKAY! THIS IS LIKE A GAME OF 'CHESS, YOUR MOVE, AND WHAT I'M PUSHING YOU, JUST LIKE I PUSH YOU AND I MAKE YOU MOVE OUT OF IN HERE, I WANT TO PUSH YOU TO GO BACK INTO COURT. AND I'M GOING TO DESTROY YOU, YOU GOING TO LOOK MORE LIKE A BITCH, WHERE YOU IS. YOU DON'T SEE YOU AIN'T GOT NOTHING. YOU DON'T HAVE CLOTHES, MONEY, ALL YOU HAVE IS A STINKING PIECE OF PUSSY BETWEEN YOUR LEGS, THAT NO BODY WANT, ANYBODY YOU GIVE IT TO TALK ABOUT YOU.

I.W.: HELLO, EVEN TO YOUR FUCKING BROTHER JOSE, WHAT YOU SAY BUY SNEAKER FOR YOU. YOU KNOW WHAT YOUR FUCKING BROTHER TELL SOMEBODY, YOU'RE A DANGEROUS MOTHERSKUNT. REMEMBER WHEN HE SAY HE FUCK YOU, HE RAPE YOU! YOUR LIL STINKING ASS MOTHERSKUNT, BOY, I LIKE WHERE I GET YOU. AND YOU WANT TO KNOW WHO TYPE THE LETTERS? ONE, OF YOUR FUCKING FRIENDS. YOUR FRIENDS. HOW YOU THINK I DOES KNOW WHAT'S GOING ON ? YOU BETTER LOOK AND SEE WHO IS YOUR FUCKING FRIENDS FROM WHO IS FUCKING ENEMIES, UNDERSTAND. NONE OF YOUR FUCKING FRIENDS HAVE ANY LOYALTY.

CALL #6

PHONE: RINGING

B.N. : HELLO.

I.W.:

HELLO, HELLO, YOU AIN'T SEE YOU LOSS. BRENDA, I BEGGING YOU , GO TO THE COURT, GO TO YOUR COUNSELOR, WHAT SHE SAY OH, WHAT SHE COUNSELING TELLING YOU, ALL OF THAT I AM GOING TO USE AGAINST YOU, YOU FUCKING CRAZY, YOU HAVE A FUCKING PROBLEM, YOUR PSYCHOTIC. I AM GOING TO USE-ALL THAT FUCK TO- DESTROY YOU. YOUR OWN FUCKING THING, I GOING TO DEAL WITH YOU WITH. AND I GET THE BEST FUCKING ATTORNEY HERE FOR YOU, I CAN'T WAIT UNTIL MARCH YOUR MOTHERSKUNT, YOU KNOW WHAT YOUR BROTHER SAID ABOUT YOU, WHY THE FUCK YOU THINK YOUR BROTHER DON'T COME AROUND DOWN THERE... (LAUGHIN) YOUR BROTHER DON'T GIVE TWO FUCK ABOUT YOU. YOUR BROTHER TOLD SOMEBODY, YOU'RE A DANGEROUS MOTHERSKUNT AND YOU'RE A LIER. YOU TOLD ZAIDA(DAUGHTER) THE OTHER DAY, YOUR GRANDMOTHER IN THE BATHROOM SHOWERING, I AM JUST BUILDING, A FUCKING THING ON YOU, GIRL. AND I GOT YOU RIGHT WHERE I WANT YOU, LIKE A DOG WITHOUT TEETH. I WANT YOU TO DO THE RIGHT THING. GO AND CARRY THIS THING RIGHT INTO COURT, I AM BEGGING YOU, CARRY IT INTO COURT, AND YOU GOING TO SEE WHAT TIME IT IS. DON'T LEAVE IT WAIT UNTIL MARCH, GO NOW, GO NOW, I AM BEGGING YOU. YOU ... BOY WHEN I AM FINISH WITH YOU YOU GOING TO WALK THE STREET OF ST. THOMAS HERE CRAZY, BECAUSE YOU AIN'T GOING TO HAVE NOTHING, UNDERSTAND. YOU AIN'T GOING TO HAVE NOTHING!

CALL #7

PHONE: RINGING

I.W.:

HELLO, YOU ALL HAVE SICKNESS, IN YOUR HOUSE. ONE OF YOU ALL ARE GOING TO DEAD DOWN THEIR SOON. AND YOUR PEOPLE LET YOU COME BACK DOWN THERE. YOU... BOY, I GET YOU RIGHT WHERE I WANT YOU ' WHY YOU, WHAT YOU DOING, WHY YOU DON'T DO SOMETHING. YOU EVER COME HERE SATURDAY, I DON'T CARE WHO THE FUCK YOU COME WITH. AND YOU'LL SEE A JOKE, YOU'LL SEE A JOKE.

CALL #8

PHONE: RINGING

B.N. : HELLO

I.W.:

YOU AIN'T CALL YOUR PEOPLE THEM YET. YOU AIN'T CALL YOUR PEOPLE THEM YET. I WAITING FOR YOU TO MAKE YOUR MOVE, YOU GO AHEAD. AND YOU BETTER BE CAREFUL WHAT YOU TELLING ME FROM NOW ON, OKAY. YOU DON'T KNOW WHO TO TALK TO, FROM WHO NOT TO TALK TO. YOUR FRIEND THEM. WHERE ARE THEY NOW-, LOOK AT YOU AN UNFIT MOTHER, ALL FOUR OF YOUR CHILDREN THEM GONE, AND YOUR FRIENDS THEM LAUGHING AT YOU. YOU UP AND DOWN WITH BRENDA (CONNOR) THEM, YOU UP AND DOWN WITH THIS PERSON YOU UP AND DOWN WITH THAT. AND THE SAME ONE THEM ... GO FIND OUT, GO CHECK IT OUT FOR YOURSELF. HOW AM I KNOWING THINGS? OH, AND IT HAVE SO MUCH PEOPLE COMING THE LADY FOR THE LAUNDRY COMING, THE WOMAN OVER HERE, DENISE, YOU KNOW HER? MEYERS? ... OH!!! SHE KNOWS SOMETHING ABOUT YOU, AVERY SMITH, OKAY LISTEN GOOD.

CALL #9

PHONE: RINGING

B.N. HELLO

I.W.:

YOU THINK THAT RESTRAINING ORDER IS GOING TO SAVE YOU. YOU KNOW DENISE MEYERS, AND THE LADY FROM THE LAUNDRY? GO TO COURT, GO TO THE POLICE STATION MAKE A REPORT NOW. I AM BEGGING YOU, GIRL YOU ARE GOING TO GET BEAT SO BAD, ,THIS TIME YOUR LIL FUCKING WHORE, YOU LISTEN GOOD. YOU LOSE AND I *WON*. YOU LOSE AND I WON, OKAY! AND YOU TOOK IT THERE FOR ME. I AM SO GLAD!! COME UP HERE, BRING CHRISTMAS GIFTS, I CAN'T WAIT FOR YOU TO GO BACK INTO COURT. AND THEN YOU WANT TO TALK ABOUT LOVING YOUR CHILDREN. YOU DON'T EVEN PUT MONEY TO FEED THEM, BUT YOU LOVE THEM ! LOVE, AND YOU WENT UP IN THE CAR, THE HEAL YOU WOULD EVER REGAIN CUSTODY OF THEM CHILDREN, YOU THINK RESTRAINING ORDER STAYING ON BENEFITTING ME? IT AIN'T BENEFITTING ME, I GOT BACK EVERYTHING I NEEDED. I GET ... NOW LOOK AT THIS HERE, YOU GOT RESTRAINING ORDER AND I GOT TWO GUNS, YOU KNOW AND EVERY THING, SO WHAT? WHAT YOU GOT NOW, WHAT YOUR GOT?

CALL #10
PHONE: RINGING

B.N.: HELLO

I.W.: YOU DEAD BITCH YOU HEAR BITCH! TROUBLE DOWN IN YOUR HOUSE NOW, I AM GLAD THEY TURNING ON YOU LIKE A PACK OF FUCKING WILD ANIMALS.

I.W.: YOU DEAD BITCH, YOU HEAR ME? CALL THE POLICE NOW. THEY AIN'T TURNING ON YOU IN THERE, YOU BRING TROUBLE TO THERE HOUSE, YOU FUCKING WHORE.

CALL # 11
PHONE: RINGING

B.N.: HELLO

I.W. :
YOU DEAD BITCH, YOU HEAR WHAT I SAY? AND RECORD IT GOOD. LET ME SEE HOW LONG THE RESTRAINING ORDER IS GOING TO HELP YOU. OKAY! WHAT YOU DO THEM CHILDREN, WAS WRONG AND YOU ARE GOING TO PAY FOR IT. OKAY. ALL OF YOU ALL DOWN THERE ARE GOING TO PAY FOR IT. AND BETTER GET MY MONEY, THAT'S WHAT YOU BETTER DO. YOU THINK THIS HERE COOL, BECAUSE YOU BROUGHT SOME STINKING ASS FUCKING BRACELET HERE FOR CHRISTMAS, YOU THINK IT COOL. I HAVE SO MUCH EVIDENCE. I WANT YOU TO TAKE IT TO COURT. YOUR DENISE MEYERS, YOUR BRENDA CONNOR THEM. YOU HAVE SOMETHING TO SAY. KEEP PUTTING YOUR HEAD ON THE FUCKING BLOCK FOR THAT BITCH DOWN THERE. OKAY, YOU KNOW WHAT TIME IT IS. YOU BETTER GET MY FUCKING MONEY.

CALL # 1 2
PHONE: RINGING

I.W.:
SPEAK, YOU HAVE ALL THE MOUTH. PUT YOUR HEAD ON THE BLOCK FOR YOUR DAUGHTER SPEAK. SHE IS A FUCKING BITCH SHE NEED TO TELL YOU WHAT SHE DO

YOUR GRANDCHILDREN THEM. YOUR STUPID ASS SKUNT. YOU DON'T KNOW WHO YOU ARE FUCKING WITH! SHE IS A FUCKING WHORE, AND YOU FUCKING WHORE TO, YOUR OLD MOTHERSKUNT. I AM GOING TO MAKE ONE OF YOU DROP. ONE OF YOU ALL GOING TO DROP DOWN THERE FOR THAT MOTHERFUCKER. YOU THINK THIS IS A FUCKING GAME.

CALL #13
PHONE: RINGING

I.W.:
I AM WAITING FOR YOU. ALL OF THEM DOWN THERE KNOW WHAT KIND OF FUCKING BITCH YOU ARE, YOUR HOE MOTHERSCUNT, TAKE THE CHILDREN THEM TO TAKE MAN IN FRONT OF THEM, YOUR OLD WONDERFUL MOTHER, HER ONE PRECIOUS DAUGHTER, IS A FUCKING HOE. BITCH, AND A FUCKING THIEF.

CALL #14
PHONE: RINGING

I.W.:
YOU LISTENING? WHO EVER IS LISTENING, YOUR DAUGHTER IS A FUCKING HOE, THAT'S WHY HER CHILDREN GOT TAKING AWAY FROM HER. YOU NEED TO ASK HER, SHE NEED TO TELL YOU ALL THE FUCKING TRUTH, AND SHE IS A FUCKING THIEF, SHE NEED TO TELL YOU ALL ABOUT JASON CHRISTOPHER, AND HER FUCKING AVERY SMITH, OKAY! SO PUT YOUR HEAD ON THE BLOCK FOR HER YOUR STUPID MOTHERSCUNT, YOU LISTENING. AND WHAT ARE YOU GOING TO DO, CALL THE FUCKING POLICE, YOU EVER HEARD ABOUT CROOKED COP. ALL OF YOU MOTHERSCUNT DOWN THERE ARE GOING TO DEAD, ONE BY ONE. YOU BETTER PUT THAT FUCKING BITCH OUT.

CALL # 15
PHONE: RINGING

I.W.:
THEM CHILDREN NEED FUCKING MONEY FOR GROCERY, YOU KNOW! SO, WHAT ARE YOU GOING TO DO? HELLO... YOU THINK YOU ARE GOING TO PLAY SMART AND GET AWAY WITH IT. WAITING FOR YOU TO COME WITH YOUR POLICE PEOPLE THEM WHAT HAPPEN? YOU AIN'T GONE TO THE STATION. THERE ARE SOME PEOPLE THERE WAITING ON YOU.

YOU DON'T KNOW WHAT IT IS YOU ARE DEALING WITH YET, GIRL. THE CHILDREN THEM TOLD ME YOU HAD THEM BY PETITE PUMP ROOM. IT'S COMING SOON, THAT IS WHY I HAVE TO LAUGH AT YOU. LOOK AT YOU NOW. LOOK AT WHAT YOU MAKE OF YOUR LIFE. YOU GOT ANYTHING ACCOMPLISH, YOU GOT ANYTHING ACCOMPLISH. YOU HURTING, SCUNT! AND I HURTING, I AM HURTING, FOR MY CHILDREN THEM FOR WHAT YOU EXPOSE THEM TO MAN IN FRONT OF THEM AND THING, AND YOU THINK THAT FUCK IS GOING TO GO JUST SO. IS NOT GOING TO GO LIKE THAT. YOU ARE A DEAD MOTHERFUCKER AND YOUR MOTHER TOO. SHE IS JUST AS BAD AS YOU. YOU ALL DO WHAT YOU GOT TO DO, CALL THE FUCKING POLICE. " I AM THE POLICE." BITCH MOTHERSCUNT.

CALL # 1 6
PHONE: RINGING

I.W.:

I GOT YOU RIGHT WHERE I WANT YOU. SO WHAT ARE YOU GOING TO DO, YOUR TIRED ASS. YOU CALL YOURSELF A MOTHER, CARRYING THOSE CHILDREN AROUND MAN AND ALL KIND OF THING, BY MOTEL AND TAKE THEM TO MAN HOUSE AND YOU ARE SUPPOSE TO BE A MOTHER. I CAN'T WAIT UNTIL WE GET BACK INTO COURT. I AM GOING TO SHOW YOU WHAT IS ON THE OTHER FOOT NOW. YOU ARE GOING TO BE PAYING ME SUPPORT NOW. BROKE ASS MOTHER FUCKER. I CAN'T WAIT, WHEN I PUT MY HANDS ON YOU. I GOING TO PUT A HITMAN OUT FOR YOU, YOU WAIT. ONE OF THESE DAYS YOU GOING TO BE COMING IN AND GOING OUT AND YOU ARE GOING TO GET GUN DOWN YOUR MOTHERSCUNT, YOU WAIT. YOU THINK IS A JOKE? BRENDA, IF I HAVE TO SPEND MY LAST RED CENT, I AM NOT GOING TO BE SATISFIED UNTIL YOU DIE FOR WHAT YOU HAVE DONE, TO MY CHILDREN THEM, YOU UNDERSTAND. THIS IS FOR LIFE! SUPPOSE ZAIDA, HAD GOT RAPE BY ONE OF THOSE MAN YOU WERE AROUND. CARRYING THEM BY MOTEL, BY MAN HOUSE. HOW ARE YOU GOING TO RAISE YOUR CHILDREN THEM LIKE THAT? HOW ARE YOU GOING TO RAISE YOUR CHILDREN THEM LIKE THAT? NOW, YOU THINK YOU ARE GOING TO GET THEM BACK. YOU BETTER STAY AWAY FROM THEM, YOU DO THEM CHILDREN ENOUGH, ENOUGH IS ENOUGH. I CAN'T WAIT TO GET BACK INTO COURT, BECAUSE ALL OF THIS I'M GOING TO SAY. ALL OF THIS HERE, I HAVE FOR YOU. BUT IF I HAVE TO SPEND MY LAST RED CENT, YOU ARE GOING TO GET WHAT YOU DESERVE, AND WHAT YOU DESERVE IS DEATH!! CAUSE SUPPOSE THOSE CHILDREN HAD GOT RAPE. AND THEN YOU TELLING THEM THEY MUST NOT TELL THEIR FATHER? MUST NOT TELL THIS, AND THAT? YEAH, LISTEN GOOD WHO EVER IS LISTENING. LISTENING GOOD, LISTENING REAL GOOD, WHEN IT COMES TO MY CHILDREN I AM NOT PLAYING. I DON'T MIND IF YOU HAD TO WHAT YOU DID, ON YOUR OWN, BUT YOU ARE GOING TO TAKE MY CHILDREN AND INVOLVE THEM. WHAT ARE YOU TRYING TO MAKE MY DAUGHTER, A HOE LIKE YOU AND YOUR FUCKING MOTHER? HAVE THE NERVE... I AM GOING TO DO WHAT THE FUCK I HAVE TO DO MYSELF, YOUR DAYS ARE LIMITED, YOU AND YOUR FUCKING MOTHER. I AM GOING TO GET BOTH OF YOU ALL.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 01/30/99

On January 30, 1999, Brendaly Nazario delivered to the custody of SA Robert C. Geeslin, one micro-cassette of an original recording of telephone conversations between caller, Ian E. Williams, Jr., and Brendaly Nazario, on January 29, 1999, between 10:00 p.m. and approximately 10:15 p.m. Following is a transcript of that recording:

Brendaly Nazario (B.N.)
Ian E. Williams, Jr. (I.W.)

BN: "January 29, 1999, as of 10:00 p.m."

Phone Ringing
BN: "Hello."

I.W: "Hey, you see this fuckin' thing? I going to . . Bitch, You're going to see what happens to you now for this fuck you did today.

What is Stephen Brush now? You're dead. I like..you're going to pay for that? Go on and tell me what you tell that fuck too. You're dead mother fucker. You hear what I say? You're dead. I promise you at this time. Tape this, play it over, you're dead." Hang Up.

Phone Ringing....
BN: "Hello."

IW: Uh huh, your taping it. Tape it, and do what you have to do. When I get you, and I get you.. my hands on you, you're dead. You hear what I tell you? Tape this now girl. This paper... I don't give a fuck about this job, I don't give a fuck about nothin'. I'm going to kill you. I'm going to shoot you mother cunt now, OK? You hearing me? Loud and clear. You think it's 'a joke, you're dead and nothing will happen to me. Nothing will happen to me. You think I'm playing with you. You wait and see what you're going to get now."
Hang Up.

Phone Ringing....
BN: "Hello... Hello?"
Hang Up.

Investigation on 1/3 0199 at St. Thomas, USVI

File# 282A-SJ-36011

Date dictated 01/30/99

by SA ROBERT C. GEESLIN:rcq

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282A-SJ-36011

Continuation of FD-302 of BRENDALY NAZARIO, On 01/30/99, Page 2

Phone Ringing

BN: "Hello Hello Hello?"

Hang Up.

Phone Ringing...

BN: "Hello. . . "

IW: (Whispering) "Hello. You're dead mother fucker. You hear me? You're dead. Ok? You're dead. You don't know who the fuck you're dealing with... you'll be taken out."

Hang Up.